

Case Study — The Tonkin Gulf Resolution

The framers of the United States Constitution divided the war-making power of the new republic between the executive and the legislative branches. While Article II names the president as commander-in-chief of the armed forces, in Article I the Congress is granted the power to declare war. In addition, Congress possesses the power to appropriate money. This so-called "power of the purse" ensures that Congress will play a significant role in determining defense spending in wartime. The last time that Congress was asked to formally declare war was December 1941, after the Japanese attack on Pearl Harbor. Since World War II, presidents have repeatedly ordered military action without requesting a formal declaration of war. Even the protracted war in Korea, which cost over 53,000 American lives, was technically a "police action" conducted under the authority of the United Nations. This is not to suggest, however, that Congress has disapproved of the occasions in which the United States has sent military forces abroad. On the contrary, almost without exception large majorities of both Houses have strongly supported, at least initially, such presidential actions. The subject of this lesson is how the administration of President Johnson obtained congressional authority for the growing U.S. involvement in Vietnam in 1964.

Case Study — The Tonkin Gulf Resolution: The Plan

As the 1964 presidential elections approached, President Johnson saw the need for a congressional resolution that would endorse the growing U.S. involvement in Vietnam. Such a resolution would strengthen the president's credibility abroad and give him increased flexibility. Johnson was also worried about Barry Goldwater, the Republican nominee for president, who had taken a tough stance in dealing with communism. Johnson hoped that lining up solid majorities of both Republicans and Democrats in Congress behind his Vietnam policies would take the sting out of Goldwater's criticisms. Accordingly, presidential aides William Bundy and Walt Rostow drafted the following resolution in June 1964:

"...Whereas the Communist regime in North Viet Nam, with the aid and support of the Communist regime in China, has systematically flouted its obligations under these [Geneva] accords and has engaged in aggression against the independence and territorial integrity of South Vietnam by carrying out a systematic plan for the subversion of the Government of South Viet Nam...

"Whereas the United States has no territorial, military or political ambitions in Southeast Asia, but desires only that the peoples of South Viet Nam, Laos and Cambodia should be left in peace by their neighbors to work out their own destinies in their own way...

"Whereas it is essential that the world fully understand that the American people are united in their determination to take all steps that may be necessary

to assist the peoples of South Viet Nam and Laos to maintain their independence and political independence....Be it resolved...

"That the United States regards the preservation of the independence and integrity of the nations of South Viet Nam and Laos as vital to its national interest and to world peace...To this end, if the President determines the necessity thereof, the United States is prepared, upon the request of the Government of South Viet Nam or the Government of Laos, to use all measures, including the commitment of armed forces to assist that government in the defense of its independence and territorial integrity against aggression or subversion supported, controlled or directed from any Communist country..."

Johnson did not want to appear rash. During the presidential campaign, he sought to portray Goldwater as trigger-happy and reckless. For that reason, the president decided to wait for further North Vietnamese provocation before sending his request to Congress. In the meantime, the Pentagon was instructed to prepare detailed plans for bombing North Vietnam.

Questions for class discussion:

1. Why did Johnson believe that bipartisan congressional support for his policies in Vietnam was so important?
2. Does the government of a democracy have to operate under a different set of rules from those of a dictatorship when formulating foreign policy?

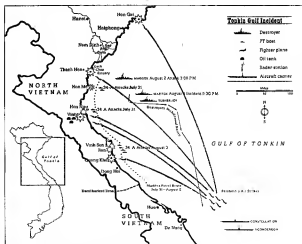
Case Study — The Tonkin Gulf Resolution: The Incident

During the summer of 1964 the United States was directing two ongoing naval operations in the Gulf of Tonkin, north of the 17th parallel off the coast of Vietnam. One operation involved South Vietnamese commandos, trained by the C.I.A., who would launch hit-and-run strikes on North Vietnamese coastal sites using very fast patrol boats. The other operation would send U.S. warships, equipped with sensitive electronic gear, to cruise to within eight miles of the North Vietnamese coast in order to trigger the operation of North Vietnamese radar installations and then take measurements of their locations and frequencies. The U.S. destroyer *Maddox* was engaged in such a mission off the North Vietnamese coast on August 1. The day before, several South Vietnamese patrol boats had raided North Vietnamese coastal positions in the same area.

On the morning of August 2, the *Maddox* was attacked by several North Vietnamese patrol boats. Several torpedoes missed their target, but machine gun fire hit the U.S. warship. There were no casualties. The *Maddox* had begun firing as soon as the patrol boats approached, sinking one patrol boat and damaging two others. Planes from the nearby U.S. aircraft carrier *Ticonderoga* assisted by strafing the enemy boats. When Johnson received word of the incident, he sent a stern

warning to North Vietnamese leaders in Hanoi. He also informed Soviet Premier Nikita Khrushchev that, while he did not wish to widen the war, the United States would not tolerate attacks by the North Vietnamese on U.S. warships in international waters. No acts of reprisal were ordered at the time.

To underscore American determination, the *Maddox*, joined by a second destroyer, the *C. Turner Joy*, were ordered back into the same area the next day. Several South Vietnamese patrol boats also staged another hit-and-run mission in the area. During that evening, radar and sonar readings taken by the crews of the destroyers seemed to indicate that both U.S. destroyers were under attack. No enemy boats were actually seen and no hostile gunfire was heard. Nevertheless, both destroyers fired for several hours at the unseen attackers. Heavy rain that evening in the Tonkin Gulf contributed to the confusion. When Johnson was notified of the situation, he decided to order retaliation, and to ask Congress immediately for a resolution of support. (Several days later, analysis of the incident raised doubts that the two destroyers had actually come under attack. Johnson himself remarked to an aide, "Hell, those dumb stupid sailors were just shooting at flying fish.")



Questions for class discussion:

1. Some have argued that the North Vietnamese were to blame for the incident, while others have maintained the United States was at fault for the incident. Discuss the case that both sides might make.
2. Why do you think that President Johnson went to Congress and the American people immediately, rather than waiting for a full investigation of the second "attack"?

Case Study — The Tonkin Gulf Resolution: The Request

On the evening of August 4, the day of the controversial second "attack" on U.S. naval vessels in the Tonkin Gulf, President Johnson went on national television to announce that he had ordered reprisal bombing of North Vietnamese naval facilities and to declare that "repeated acts of violence against the armed forces of the United States must be met not only with alert defense, but with positive reply." The next day the following resolution was sent to Congress for action:

"Whereas the naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters and have thereby created a serious threat to international peace;

"Whereas these attacks are part of a deliberate and systematic campaign of aggression that the communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom;

"Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way. Now therefore, be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled that the Congress approves and supports the determination of the President, as Commander in

Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

"Sec. 2 The United States regards as vital to its national interest and to world peace the maintenance of the international peace and security in southeast Asia. Consonant with the Constitution and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state [South Vietnam] of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

"Sec. 3 This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress."

Questions for class discussion:

1. Do the changes in wording from the draft of June appear to strengthen the hand of the President in directing U.S. policy in Vietnam? Explain by comparing specific phrases from the two documents.
2. Sometime later, Johnson remarked to aides that this resolution was "like grandma's nightshirt — it covered everything." What did he mean by this?

Case Study — The Tonkin Gulf: The Action

After two days of debate, both Houses of Congress, with only Senators Wayne Morse and Ernest Gruening dissenting, passed the Tonkin Gulf resolution. This congressional action would be cited by the administration as the necessary and sufficient legal authority for its actions in Vietnam during the next several years. Subsequent annual requests for funds to continue the war were regularly approved by Congress. Even congressmen who opposed the war were reluctant to deny the funds and resources necessary to support the U.S. effort. The Tonkin Gulf resolution was

repealed by the Senate in June 1970. U.S. involvement in the war continued until January 1973, although no formal declaration of war was ever requested.

Question for class discussion:

If the administration had foreseen how long and costly the war would be, do you think that it would have chosen the same means to obtain congressional support and legal authority?

Extra challenge: One of the major reasons for studying history is to discover connections and recurring patterns. Several previous incidents in U.S. history are worth comparing to the passage of the Tonkin Gulf resolution, including the incident which sparked the declaration of war against Mexico in 1846 and Congressman Lincoln's "spot resolutions," the sinking of the battleship *Maine* in Havana harbor in 1898 and the subsequent war with Spain, and the attack on the destroyer *Greer* by a German submarine in September 1941, when the United States was still a neutral.